

United States District Court

EASTERN DISTRICT OF WISCONSIN

JUDGMENT IN A CIVIL CASE

FIDELIS OMEGBU,

Plaintiff,

V.

CASE NUMBER: **05-C-596**

**STATE OF WISCONSIN ELECTIONS BOARD,
MILWAUKEE COUNTY,
MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE
E. Michael McCann, District Attorney and
Michael Mahoney, Assistant District Attorney,
MILWAUKEE COUNTY HOUSE OF CORRECTION,
MILWAUKEE COUNTY SHERIFF'S DEPARTMENT,
MILWAUKEE COUNTY CLERK OF COURT,**

Defendants.

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came on for consideration and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Count seven of the plaintiff's amended complaint filed pursuant to 28 U.S.C. § 2241 and 2254, is DISMISSED because he is not currently in custody.

The motion to dismiss by defendant Milwaukee County District Attorney's Office is GRANTED as a matter of law because it is not a suable entity.

The motion to dismiss by defendants Milwaukee County District Attorney's Office and the State of Wisconsin Elections Board is GRANTED as a matter of law because they are entitled to immunity under the Eleventh Amendment.

The motion to dismiss by defendants Milwaukee County District Attorney E. Michael McCann and Milwaukee County Assistant District Attorney Michael Mahoney is GRANTED because a prosecutor has absolute prosecutorial immunity.

The plaintiff's complaint against Defendants Milwaukee County, Milwaukee County House of Correction, Milwaukee County Sheriff's Department and Milwaukee County Clerk of Court are DISMISSED as a matter of law because the plaintiff does not and cannot state a claim for selective prosecution.

The plaintiff's state law claims against Defendants Milwaukee County, Milwaukee County House of Correction, Milwaukee County Sheriff's Department and Milwaukee County Clerk of Court are DISMISSED WITHOUT PREJUDICE.

This action is hereby DISMISSED.

April 22, 2008
Date

JON W. SANFILIPPO
Clerk

s/ Linda M. Zik
(By) Deputy Clerk